

2098

HANGING JUDGE

The Hon Justice Michael Kirby AC CMG

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The decision of the Trustees of the Art Gallery of New South Wales to exhibit Josonia Palaitis' portrait of me in the 2006 Archibald Prize finalists is a new experience. For the first time in my life I have become a hanging judge. My friends will not believe it.

Jo Palaitis executed an earlier portrait of me in 1984, when I served in the Law Reform Commission. It was a huge portrait, full of accurate detail, including every item on my desk and book on the shelves behind. I am not sure whether she submitted it for the Archibald competition. It was certainly not hung amongst the finalists.

Indeed, although a number of very accomplished portraitists have painted portraits of me, including Judy Cassab, Ralph Heimans and Rodney Pople, none of them, if submitted, was chosen for display. This can be painful for the subject of the portrait as well as for the artist. It is a rejection that goes straight to the heart. The subject shares the intense experience involved in the preparation of a portrait. From the moment of the decision to paint, artist and subject are locked together in a special bond. So it has been between me and my artists. A friendship is created that endures

long after the hullabaloo of Mr Archibald and his prize have passed into memory.

Before Jo Palaitis' portrait was chosen for the 2006 exhibition, I sent her emails telling her of how nervous I was. Then came the announcement. I would be hung. Selected amongst more than 2000 entries. I remembered the description of how Judy Cassab, on winning the Archibald Prize, fell on the carpet and rolled there in excitement with her son Peter. I felt the same way when the Trustees selected my portrait. Strange how art, music and poetry bring intense feelings to the surface, even in usually restrained individuals. A portrait subject is humbly grateful for the intense effort of an accomplished artist. All those hours of thinking, working, revising. It is an adventure. It is a journey.

I made contact with Jo Palaitis in 2005 after studying her splendid portrait of Prime Minister John Howard and Mrs Howard, that hangs in the National Portrait Gallery in Canberra. There it is, near Ralph Heimans' portrait of me. The juxtaposition of the two works put me in mind to write to her again. We met and she proposed a second portrait. I agreed at once. So the enterprise began.

Every artist has particular techniques. For Jo Palaitis, intense discussions with the subject seem almost as important to her art as the sketches, the drawings, the photographs and the painting that

come together in the finished portrait. Before she began work, she wanted to know more about me. We talked about law and social justice. About minorities and friendship. About our families and respective partners, Ed and Johan. As we talked, I noticed that she had fixed her eyes on me. She was staring at me with an intense stare that I have seen before. It is as if there are some extra genes in the human genome of a gifted artist. They have the uncanny capacity to translate appearances in the external world into paint, perspective and colour on canvas or board. Every now and again she would note down a phrase that I had used or a thought I had expressed. How can such ephemera be converted into tangible shapes and lines and forms?

We talked about portraits that we liked. I mentioned to her a portrait I had seen in the Rijksmuseum in Amsterdam. I first visited that great treasure house thirty-five years ago with Johan. Just inside the entrance, before one comes upon the marvels of the Golden Age of Netherlands painting, are some stunning works by painters from outside Holland. In pride of place amongst them is a portrait by the great Spanish artist, Goya. It is a portrait of Don Ramón Satué. It is subtitled "The Spanish Judge". Considering all the judges I had known, this title drew me to it as a young man. I have made the acquaintance of that judge ever since on my visits to Amsterdam.

The brochures explain how Goya, like many painters of his era, accepted a theory about portraiture: that there are two sides to the human face. They display respectively joy and grief; softness and hardness; kindness and cruelty. And there it was in the face of the Spanish Judge. Two sides to his face, portraying the ambivalence of every human personality.

Jo Palaitis secured a reproduction of Don Ramón's portrait and we talked about it some more. In the past, most of her works have been, like my earlier portrait, bright with copious pastel colours, full of detail. More often than not, lovely flowers add vibrant hues and contrasts to the appearance of the human subject. But Goya presented his judge in austere, sombre simplicity. Against a pure black background, the judge appears in a vest with white ruffles at his neck and a red cummerbund. He is of a certain age. Not old and venerable but certainly past the glory of his youth. "There are many blacks", Jo Palaitis warned me. "Lawyers love black", I said. "Perhaps they would like a portrait in this idiom and pay oodles to acquire it. Impoverished garrets for portraitists are all very well. But sales are good too". Disdainfully, she ignored my remarks.

Jo Palaitis thought about the concept, one somewhat different from her usual style. Eventually, I could see that the idea had interested her. And so, by dialogue between artist and subject, over and over again we discussed it. The concept of the portrait was born.

Months of hard work followed. Countless sittings and the same intense stare as if looking past me, over my shoulder to the real person lying outside the external display. It was a strange look. Examining things that the ordinary human eye cannot see.

When, at her home in Sydney, in company with artist friends, Johan and I saw the finished work, we were at once arrested by it. Bill Leak, an Archibald finalist himself, declared that it was outstanding. For me, it appeared more angry than I felt inside. Yet perhaps the artist recognises better than I do, the feelings of the inner heart. Maybe the many injustices in the law and in life, witnessed over thirty years as an Australian judge, take a toll that the professional office-holder learns to suppress. Obedience to the law teaches the limits of the judicial function. But being a party to apparent injustices can sometimes make even a judge angry. She had captured and expressed that feeling.

Johan told me to look more deeply at the portrait. And so I did. There are many moods and feelings there. He saw in the face the multiple emotions that he has come to know over thirty-seven years. And so I too began to see the two sides of my face. The compassion of the individual. The necessity, sometimes, to do hard things as a judge.

As I stared at this work, with every vein and wrinkle and hair and blemish recorded for all to see, I came to marvel at the skills of the artist and to wonder at her amazing talent. In the age of photographs, something more than a likeness is needed in a portrait. This one burrows deep under my blemished skin. It detects and reveals moods and emotions that are part of my inner self. For this, I honour Jo Palaitis. I honour all her fellow artists, whose works, hung and unhung, capture a human visage but reveal, as well, the subject's emotions in a way that Eastman Kodak never could.

Francisco José de Goya y Lucientes could probably not have imagined how, two hundred years later, his portrait of a grand official in Madrid would inspire artist and subject in the Great South Land. He would be very pleased at the mysterious ways that artistic inspiration work. And so am I.

